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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,630	09/22/2000	Martin De Loye	Q60934	8145

7590 01/30/2004	EXAMINER
Sughrue Mion Zinn MacPeak & Seas PLLC	NGUYEN, HANH N
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ART UNIT	PAPER NUMBER
2662	

2100 Pennsylvania Avenue NW
Washington, DC 20037-3213

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/667,630	DE LOYE, MARTIN
	Examiner	Art Unit
	Hanh Nguyen	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 September 2000*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-12* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All b) ☐ Some * c) ☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.
13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.
14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

Claims 3, 4, 5, 10, 11 and 12 are objected to because of the following informalities:

In claim 3, in line 7, is "**the terminal**" referred to "**Internet connection terminal**".

In claim 4, what is "**it**" in line 3 referred to ? . In line 12, is "**the terminal**" referred to

"**Internet connection terminal**" in line 10.

In claim 5, line 4, is "**the terminal**" referred to "**Internet connection terminal**" ?.

In claim 10, lines 5 and 6, are "the terminal" referred to "Internet connection terminal" in

line 3 ?.

In claim 11, it is not clear what " a server integrated into the circuits of the service

povider" means .

In claim 12, is "**the terminal**" referred to "**Internet connection terminal**".

 Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sonesh et al.**

(US Pat. No. 6,614,783 B1) as applied to claims 1, 4, 7 and 10 above, and further in view of

Vaziri et al. (US Pat. No. 6,377,570 B1).

In claims 1, 2, 4, 5, 7, 8 and 10, **Sonesh et al.** discloses, in Fig.1, a caller 100 represents a

telephone 102 (an analog telephone), an Internet PC 101 (Internet terminal) connected to Data

network 112 via PSTN 111, server 110 (Internet terminal connected to Internet via a telephone

network and server 110). Calls request from the caller 100 to a remote agent 121 via PSTN 111,

server 110 is digitized, packetized as voice packets which is transmitted to an available remote

agent. From the remote agent, digitized audio signal is translated to PSTN-compatible analog

signal back to the caller 100 (sending and receiving analog voice signals respectively to and from

the telephone network). See col.10, lines 10-20. **Sonesh et al.** does not disclose a switching

means for connecting the telephone to the Internet terminal; means for sending switching

instructions. **Vaziri et al.** discloses, in the Abstract, two Internet telephone users, each having an

Internet switch box (ISB, see Fig.2) (switching means), wish to have an Internet telephone

conversation by pressing either buttons (switch circuit is mannualy controlled) on the Internet

switch box to switch to Internet telephone (a switching means for connecting the telephone to

the Internet terminal). The switching box contains embedded software (switching instructions)

executed by a microprocessor 201 (sending means, Fig.2, col.10, lines 1-5) for establishing a

connection to ISP. The switching box receives a switch-over-command to swich from PSTN

connection to Internet connection (instruction commanding switching circuits to connect

telephone to internet terminal). See col.24, lines 55-65. Therefore, it would have been obvious to

one ordinary skill in the art to construct the Internet switch box in the Internet PC 100 of **Sonesh**

et al. for connecting the telephone to the Internet PC for establishing Internet telephone over

telephone network.

In claims 6 and 9, **Sonesh et al. and Vaziri et al.** do not disclose the switching program is written in Java. Java is a universal programming lanuage used by everybody. Therefore, it would have been obvious to one ordinary skill in the art to use the Java language to write switching program in the switching box of **Varziri et al.**

In claims 11, 12, **Sonesh et al.** does not disclose the switching program can be downloaded from an Internet site or from service provider. **Vaziri et al.** discloses, in Fig.9, that the customer 900C is remotely programmed from the agent help desk (downloading program from Internet) . The customer is instructed to dial *0# into telephone 211C (switching instructions is sent from the server). See col.22, lines 47-65. Therefore, it would have been obvious to one ordinary skill in the art to download as switching program from an Internet site.

In claim 3, the limitations of this claim has been addressed in claims 1, 11 and 12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miloslavsky et al. (US Pat. No.6,625,139 B2) discloses Apparatus and Method for Coordinating Internet Protocol Telephone and Data Communications.

Whittaker (US Pat. No. 6,125,177) discloses Telephone Communications Network with Enhanced Signalling and Call Routing.

Mattaway et al. (US Pat. NO. 6,275,490 B1) discloses Method and Apparatus for Establishing Communications from Browser Application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:00 AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3988 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax number : 703 872-9314

Hanh Nguyen
January 22, 2004